

# ASSAILANT OF WATERWORKS FOR ARMY POSTS SHEBA IS GUILTY

Verdict Comes Together With a Recommendation for the Mercy of the Court.

ADDED TO SATISFY A JUROR

Charges of Professionalism Are Intimated—Was He Playing for Meal Ticket?

(From Thursday's Advertiser.)

Dismissed before eleven o'clock yesterday morning, the jury in the Mori case did not report a verdict until nearly six in the evening, the verdict being guilty as charged with a recommendation for mercy. Each hour that added itself to its "deliberations" called forth more indignation on the part of all connected with the case.

"As long as professional jurors are permitted to serve, the jury system will be a farce," said a court attaché yesterday and a growing conviction became apparent that the "law and the evidence" had not gone into the jury room with the twelve good men and true, and counsel in the case expressed themselves to that effect. The remarks of the jurors afterwards bore them out.

At twelve o'clock they were taken to the Union Grill for lunch and while gone there was found a set of ballots crumpled up on the floor with eleven marked "guilty" and one "not guilty." Judging from the number of scraps on the floor, it must have been the third or fourth ballot taken.

The news of the jury's standing spread about the courthouse and called forth adverse comments. Police officials who came up to get the latest news distinguished the case as the clearest and most irrevocable ever presented in the circuit court and all the time, one gentleman of the jury, locked in the tower room was turning out not guilty ballots. At about three o'clock, the jury sent in word that there was one man on the jury who was voting to that effect and had expressed himself as intending to continue to if he was locked up for years. They announced themselves as being hopelessly deadlocked.

"Then lock them up for years," said Cathcart, savagely.

At four o'clock the jury, still disagreeing, were called in and special instructions read to them by Judge De Bolt. To these instructions, Attorney Lightfoot, for the defense, noted an exception.

The instructions contained very strong hints as to the manner of man that would hang up a jury in this way. It probably was one of the strongest pleas for honest juries that have been read in the circuit court and capped a half year of jury service that has been unsatisfactory, placing it mildly.

The jury were again sent out and the bailiff, wise in the way of circuit court juries, sent for his night outfit and began to negotiate for a cosy corner at which ever of the hotels the jury would be sent to. Ugly rumors began to get around the corridor that the one "not guilty" ballot was a meal ticket for the jury, and speculations began to take definite form as to who was doing it all. After reports proved the speculations right.

At a little before six the jury finally announced itself ready to return a verdict and were brought in. Their verdict read as follows: "We, the jury, in the above entitled case, find the defendant guilty of assault, being armed with a dangerous weapon, with intent to murder. We, the jurors, recommend the mercy of the court." (Sg.) E. C. Bruns, foreman.

Every juror of the twelve with one exception was as mad as a hatter, and their remarks colored the atmosphere a delicate ultramarine. The one exception was looking downcast.

Afterward one of the jurors made a statement to a reporter as to the "deliberations" that extended over the greater part of the day, the substance of which was as follows:

"It was 'Bill' Tirrell did it. At the first ballot the jury stood eight to four for conviction, but three of these were quickly brought over to the side of the majority. Tirrell hung out. What he wanted was a night's lodging and another day's pay. He is not regularly employed, and this sort of thing is good money. What he wanted was the recommendation for mercy. We put it in finally just to get him on our side and get home. It doesn't mean anything any more."

"On the last jury (Fushino and Kawakami) we were hung all night, and the two who were holding us up gave in at nine twenty the next morning. All they wanted was the night's lodging at the good hotel and another day's pay. I am getting tired of this sort of thing, and if it don't stop I am going to get out of here."

The jury who decided Mori's fate was composed of William Tirrell, Edward C. Bruns, William K. Isaac, William P. Buckle, Sam M. Kamakahi, Benjamin K. Asan, Sam Pupuni, F. G. R. Smith, David Richards, J. D. Clement, John Barfield, and William L. Austin.

The trial was so full of incident during its entire progress, Cathcart's final address to the jury would have outshined Demosthenes of the Golden Mouth, and was a real piece of real oratory.

Prosser made the opening address for

## The Reservoir Recommendations Revive Talk of Thousand Big Gun Men for Here.

With the recommendation for a separate water reservoir to be built by the war department for the use of its garrisons at Fort Ruger, Diamond Head, and De Russey, Waikiki, comes again the statement from army people that the original plan for more than a thousand coast artillerymen will be adhered to and that there is a prospect for an early increase in that branch of the service.

When the cabled announcement reached Honolulu that Major Cree had been ordered to command the artillery district of Honolulu, the statement was also made that the war department contemplated stationing 1906 artillerymen in the different posts. Fort Ruger has more than two hundred men already. They are living in a hastily built cantonment and the whole area is covered with fine, red dirt. The lava boulders are being blasted out and grass is being planted, but owing to the lack of an adequate water supply the red dirt is being put out of sight slowly. The red dirt post is not the most comfortable place in the world to put up one's household gods, but the officers and men have to make the best of their assignment.

With an adequate water supply the post would undergo a transformation in a few weeks for the red soil is rich and grass grows rapidly and luxuriantly there. To obtain more water, and the city can not supply much more, would cost the government a lot of money, and to supply Fort De Russey with its garrison of about eight hundred men will cost much more.

Army officers are thoroughly of the opinion that the war department should own and control its own water supply and it is understood that a reservoir will be built near Fort Ruger and wells sunk from which to supply it. From the reservoir water will be piped to De Russey and to Battery Harlow on the slope of Diamond Head.

## COMPLEXITIES IN LANE'S COMPLEXION

A meeting of the health committee of the board of supervisors yesterday was held to consider the charges instituted against Lot C. Lane by irate merchants whose fish he had ordered destroyed. During investigations, complexities in his complexion made themselves manifest, some witnesses stating that they knew he was drunk because his face was white and others that they knew he was drunk because his face was red. The committee decided that there was something rotten somewhere—not necessarily in Denmark—and it didn't make any difference whether Lane was drunk or not.

The Hetch-Hetchy bond vote is to be held in San Francisco in December and the \$40,000,000 project to release the city from the water monopoly is nearing realization.

The "Prosserution" and Douthitt went to the jury for the defense. Prosser's speech stuck to the bare facts of the case as placed on record from the evidence; compared the theory of the prosecution with the admissions of the defense, and showed the extent to which the latter had written out their own convictions by the testimony of Mori himself.

Douthitt's address was monumental, and a prominent target for his "raucous mirth" was George Washington Lincoln. As a matter of fact, no evidence was introduced to show that the name of the old Civil War veteran was such. On the record he is just George W. Lincoln, but Douthitt was right. It was the old man who so minutely described the condition of the knife when it was brought to him by the defendant to sharpen. The manner of the old gentleman made him an easy mark for ridicule, and, furthermore, it was the only way to get around his damaging testimony.

Then Cathcart closed for the prosecution. Upon winding up his address he said: "Gentlemen of the jury, the defense claims that the stabbing was done in sudden and blind passion. Blind! Gentlemen, the uncontradicted evidence that has been introduced shows that Mori purchased the knife, a brand new knife, and by his own admissions, accidentally saw the sign of the old man and went in and had his knife still further sharpened."

"He met Sheba on the corner of Nuuanu and King and walked a block with him or more. He talked in a friendly way. Sheba off his guard, he reached into his back pocket and drew out his knife and opened it under his coat tails—this way. Sheba could not see him—nobody could see him. By his own admission he seized Sheba by the right arm because he thought that Sheba was armed. Gentlemen, would a man in the heat of passion remember that—or remember such minute actions?" \* \* \* And then when men rushed to Sheba's assistance and separated them, lying on the ground, Mori said, 'Don't handle me so roughly. Don't handle me so roughly, gentlemen. He thought first of himself, not of the victim on the ground, with Sheba's life blood gushing from the wound in Sheba's throat.' \* \* \* And then he comes before you and says, 'Gentlemen of the jury, Don't—handle—me—so—roughly. Thank you gentlemen.'"

When Cathcart sat down many in the room felt an instinctive desire to slap their hands—many had their hands lifted; it seemed the proper closing to the brilliant and dramatic peroration of the counsel for the prosecution.

The maximum sentence for the crime of which Tomiki Mori has been convicted is ten years imprisonment.

## Quarter Century of Work for Temperance

The twenty-fifth annual meeting of the Woman's Christian Temperance Union branch in Honolulu will be held at the residence of Mrs. J. M. Whitney, Punahou street, at half past two o'clock. Mrs. Whitney has been president of the organization for a quarter of a century and most of the annual meetings and many of the monthly sessions have been held at her home during this quarter of a century.

At today's meeting will be read reports not only dealing with the work of the past year, but for the whole twenty-five years. From the historical standpoint the meeting will be most interesting and the president requests a large attendance not only of members, but of all persons interested in the work.

## COLONEL DENNY IS HERE TO CONSIDER PEARL HARBOR PLANS

Says Active Operations Will Not Be Commenced Until March of Next Year—Quarters Will Be the Finest Ever Built.

With the arrival of Col. Frank J. Denny, United States Marines Corps, on the S. S. Korea yesterday, came also tentative information that the commencement of actual building operations on the barracks and officers' quarters at the new Pearl Harbor naval station would not be under way until about March 15, 1910.

Colonel Denny was sent on from Washington to Honolulu to confer with local marine corps officers with reference to the plans for the buildings and to inspect the site for the same. He is also to investigate the fresh water situation with reference to an adequate supply for the marine section of the naval station, and to have a conference with local contractors to learn from them what they consider to be proper materials for such buildings.

This forenoon Colonel Denny will meet with Major Long and Captain Marx, at Camp Verry, at which time a number of local contractors, by special invitation, will be present and the plans now in the hands of Captain Marx will be gone over and the contractors asked for opinions as to whether the buildings can be built on the money available.

## YET AGAIN DOES FAILURE ATTEND MAKING MODERN THEIR SYSTEM

Mrs. Atcherley Spends Several Days in Retirement and Petitions Once More.

(From Thursday's Advertiser.)  
"The issuing of the writ in this case is discretionary since the detention at the insane asylum is in execution of process, and under the circumstances is denied."

Thus ends another of the legal hopes of Mrs. Mary H. Atcherley and her "alleged" insane husband, Dr. John Atcherley. The quotation closed the opinion rendered yesterday by Chief Justice Hartwell in regard to a petition of Mrs. Atcherley for a writ of habeas corpus on behalf of her husband.

The case was presented before the chief justice and passed upon yesterday. Mrs. Atcherley has spent the first three days of the week secluded in the library of the supreme court encoined at a small table near the window and members of attorney-general's department and county attorney's staff have occasionally placed their optics close to cracks in fear and trembling. Few knew that a petition to this effect had been presented until the opinion had been rendered.

The grounds for the petition were eleven in number and summed up in full all of the charges of the Atcherleys for all time. They are a denial of jury trial; failure of witnesses to appear before the commissioners of insanity; the lack of jurisdiction of the commissioners to subpoena witnesses or compel their attendance; denial of "right of argument" on the various testimonies; before the district court; absence of "remedy at law to appeal for any injuries committed by the various witnesses who testified in behalf of the prosecution." It will be noticed that Mrs. Atcherley has punned on the word "prosecution." The pun will probably give Attorney-General Hemenway a cold shiver.

Further points were that the proceedings involved a second trial for a former case which refers to the shooting on Doctor Wayson's premises, already tried by jury; the lack of jurisdiction of the district court and commissioners; the unconstitutionality of Act 149, Mrs. Atcherley setting forth in full her reasons as to why she believes this act to be unconstitutional; Doctor Atcherley's power of reasoning for himself and his ability of conducting his own cases, and the refusal of admission to bail are also mentioned at length.

Of these grounds, so decides the chief justice, many have already been passed upon by the supreme court and yet other grounds are specified as error in the writ of certiorari now pending. The remaining grounds are reviewable on error.

## FOR A LAME BACK.

When you have pain or lameness in the back, the parts with Chamberlain's Pain Balm twice a day, massaging with the palm of the hand for five minutes at each application. Then dampen a piece of flannel slightly with this balm and bind it on over the seat of pain. For sale by all dealers. Benson, Smith & Co., Ltd., agents for Hawaii.

# KOREA WIRELESS WELL TESTED ARRANGEMENT TO PRODUCE PROOF

Even Passengers Worked Wireless Jokes on Each Other.

(From Thursday's Advertiser.)  
"The wireless system was perfect and did everything expected of it, by keeping in touch with San Francisco," said Captain Sandberg, master of the Pacific Mail steamship Korea.

"Our new wireless plant is great. Commercially speaking, it was used considerably by the passengers as well as the steamship people. The plant far exceeded our expectations. We expect to be in daily communication with Honolulu, and before getting out of reach of this station to be in communication with Japan's stations. That gives us 1700 miles each way," said Purser Allen of the Korea.

And the passengers who used the wireless and received news from the mainland and Honolulu during the week they spent on board are equally enthusiastic over the success of the experiment, and it is believed that General Manager Schwerin is also satisfied that wireless is a good thing for his big boats.

The apparatus is in charge of S. A. Phelps, who was operator aboard the S. S. Alameda until last trip. He has made a good record so far, but having one of the finest plants in this part of the world to operate, he can easily make a big reputation.

J. O. Watkins, constructing engineer of the United Wireless Company of San Francisco, which company put in the wireless plant, came down here on the ship in order to keep tab on its working qualities to report back to the headquarters. He dropped off here and will return to San Francisco on the S. S. China next Saturday.

"From the standpoint of the installation I am perfectly satisfied with the way it is working," said Mr. Watkins. There are two separate sets aboard. One is of five kilowatts and the other is of two kilowatts. Then there is an emergency set, which has storage batteries to operate it. As the wireless room is located on the bridge, in case of an accident, or the vessel filling and sinking, the wireless room would be among the last of the deck structures to go under. The strong batteries would be in use long after the engines were out of commission and help could be called for."

LONDON, October 27.—On the fourth of November the house of commons will take a recess that will last until the twenty-third. At that time the house of lords will face the deliberation over the budget, action on which by the lower house will be delayed until the peers have thoroughly considered it.

## FERRER WILL LIVE IN THE WORK OF HIS PEN

(By Associated Press.)

PARIS, October 27.—The execution of Francisco Ferrer by the order of a military court at Barcelona will not stop the distribution of his work or stop the advancing hold which his reasonings are taking upon his world. His will provides for the publication of his works by the executors of his estate and the alleged revolutionary works that caused his death will survive him.

## GROWING GIRLS

Are Liable to Have a Form of Anemia and Every Mother Should Know the Remedy.

What anemia is, how to recognize it and the value of the tonic treatment with Dr. Williams' Pink Pills should be known by the mother of every growing girl.

Anemia is simply lack of blood. It is one of the most common and dangerous diseases with which growing girls suffer.

It is common because the blood so often becomes impoverished during development, when girls are too frequently allowed to overstudy, overwork and suffer from lack of exercise. It is dangerous because of the stealthiness of its approach, often being well developed before its presence is recognized, and because of its tendency to grow so steadily worse, if not promptly checked, that it may run into consumption.

Mrs. Carl Wickstrom, of No. 1526 Seventh avenue, East Oakland, Cal., says:

"I was afflicted with anemia during my sixteenth year and was in such a bad condition that my ankles were swollen. I was pale, run down in weight and had palpitation of the heart. I was short of breath and easily tired out. At times I would be dizzy and see black specks before my eyes. I was languid and had no ambition."

"The doctors said I needed a blood tonic and prescribed iron, strychnine, and quinine. I did not gain in health and finally tried Dr. Williams' Pink Pills. They helped me right away and after taking a few boxes I was greatly improved in health. My color came back, my appetite was heartier and I became stronger. I took several boxes several times since then as a tonic, especially after the birth of my children. Mothers will find in Dr. Williams' Pink Pills just the tonic they need."

"The treatment of anemia with Dr. Williams' Pink Pills is as certain as anything in medical science. They act directly on the blood, which they purify and build up to its normal strength."

A booklet, "Diseases of the Blood," will be sent free to any sufferer from anemia upon request.

Dr. Williams' Pink Pills are for sale by all druggists, or will be sent, postpaid, on receipt of price, 50 cents per box; six boxes for \$2.50, by Dr. Williams' Medicine Company, Schenectady, N. Y.

Dr. Cook Tells Little Montana Town That He Will Bring Eskimos Back.

HOPES TO SETTLE DOUBTS

But Year Will Elapse Before Natives Will Refute the Charge of Faker.

(By Associated Press.)

MISSOULA, Montana, October 28.—Dr. Frederick A. Cook, who is touring the West lecturing, made a statement here yesterday in the course of an address, that would indicate that he will at last take steps to present to the world substantial proofs of the validity of his claim as the discoverer of the North Pole.

He stated that the arrangements have been completed to bring to America, the Eskimos who accompanied him on what, if verified, will be his remarkable dash to the apex of the world.

According to his statement, the natives will not be brought here until next September, almost a year hence, and although he gave no reasons for his delay in advancing this, his greatest proof, it is understood that traveling and climatic conditions are responsible.

Knud Rasmussen is now in Greenland examining the Eskimos belonging to the same tribe as those who accompanied Doctor Cook, and has sent word to the civilized world that the explorer's story is correct. Wonder has been expressed that Rasmussen does not bring these men back with him and settle the question which is at present causing so much bitter feeling.

## RUSSIA HONORS THE MEMORY OF PRINCE

Death of Japan's Greatest and Wisest Diplomat Is Loss of White Kingdom.

(By Associated Press.)

ST. PETERSBURG, October 28.—The organs of the government in their issues yesterday, make the statement that the death of Prince Ito of Japan is Russia's loss, as it is the loss of all governments. In spite of the fact that the clash with the orinetal power left the White Kingdom in a ferment that has not yet entirely subsided, and that the late Prince was a factor in Japanese diplomacy, itself militating against the Asiatic policies of Russia, the statement bears the stamp of conviction rather than policy. The tribute to Ito from this quarter is considered the greatest.

America Condoles.

WASHINGTON, October 27.—The United States government extends its sympathy to Japan for its loss by the death of Prince Ito. Instructions were sent to Ambassador O'Brien today to offer the condolence of the power of the New World to the nation across the sea.

Posthumous Honor.

TOKIO, October 27.—With the nation in mourning for the death by assassination of her greatest statesman, Prince Ito, the government has paid his memory honor by advancing him to the first grade at court, an honor that will be his in history but which never can be in life. Imposing state funeral ceremonies will be held over his remains on Thursday, November 4, in this city.

Paper Does Not Comment.

WASHINGTON, October 27.—The Korean newspaper published here makes no comment on the assassination of the late Prince Ito of Japan. Its silence is causing speculation in capital circles but it is supposed that the situation is too delicate to be handled in the heat of passion so close to diplomatic circles.

## CAVALRY POST PLANS LEFT TO LOCAL MEN

(By Associated Press.)

SAN FRANCISCO, October 27.—Colonel Walter Schuyler, commanding the Fifth Cavalry at Schofield Barracks, Leliehua; Captain Day of the same regiment, and Captain Castner, constructing quartermaster, U.S.A., have been ordered to meet in Honolulu to consider the plans for the new cavalry post on the Leliehua reservation. All the officers are members of the army board with other army officers on Oahu which was delegated to select a site for a brigade post near the present cavalry cantonment. The board held many sessions but was unable to agree upon a definite site owing to a difference of opinion as to the water supply. The board's findings were finally sent to Washington, both a majority and a minority report being forwarded to the quartermaster-general. The brigade post plans call for permanent buildings of concrete, the whole post arranged for at least a regiment of cavalry, one of field artillery, one or two of infantry, and detachments of the signal corps.